

be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 304. None of the funds in this Act shall be available for salaries and expenses of more than 106 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision or political and Presidential appointees in an independent agency funded in this Act may be assigned on temporary detail outside the Department of Transportation or such independent agency.

SEC. 305. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 306. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 307. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 308. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 309. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 310. (a) For fiscal year 2003, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a)(1)(A) of title 23, United States Code, for the highway use tax evasion program and for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) of section 117 of title 23, United States Code (relating to high priority projects program), section 201 of the Appalachian Regional Development Act of 1965, the Woodrow Wilson Memorial Bridge Authority Act of 1995, and \$2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, \$2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by

the sums authorized to be appropriated for such program for such fiscal year: *Provided*, That the amount of obligation limitation distributed for each program does not exceed 90 percent of the amount authorized to be appropriated for such program, except that for each of the programs authorized under section 129(c) of title 23, United States Code and section 1064 of Public Law 102-240, as amended, sections 1118 and 1119 of Public Law 105-178, as amended, section 1101(a)(11) of Public Law 105-178, as amended, section 118(c) of title 23, United States Code, section 144(g) of title 23, United States Code, section 1221 of Public Law 105-178, as amended, section 1101(a)(15) of Public Law 105-178, as amended, section 104(b)(1)(A) of title 23, United States Code, section 104(d)(1) of title 23, United States Code, and section 202(b) of title 23, United States Code (excluding the portion to be made available for Forest Highways under such subsection), the amount of obligation limitation distributed for each program shall equal the amount authorized to be appropriated for such program; and

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and

(2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed \$2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) The obligation limitation for Federal-aid Highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sec-

tions 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; and (8) under section 105 of title 23, United States Code (but, only in an amount equal to \$639,000,000 for such fiscal year).

(c) Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1943-1945).

(d) The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation au-

thority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.



SEC. 311. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 312. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 313. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant: *Provided*, That, the Federal

Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 314. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Capital investment grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2005, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 315. Notwithstanding any other provision of law, any funds appropriated before October 1, 2002, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 316. None of the funds in this Act may be used to compensate in excess of 350 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2003.

SEC. 317. Notwithstanding any other provision of law, whenever an allocation is made of the sums author-

ized to be appropriated for expenditure on the Federal lands highway program, and whenever an apportionment is made of the sums authorized to be appropriated for expenditure on the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, the Appalachian development highway system, and the minimum guarantee program, the Secretary of Transportation shall—

(1) deduct a sum in such amount not to exceed .45 percent of all sums so made available, as the Secretary determines necessary, to administer the provisions of law to be financed from appropriations for motor carrier safety programs and motor carrier safety research: *Provided*, That any deduction by the Secretary of Transportation in accordance with this subsection shall be deemed to be a deduction under section 104(a)(1)(B) of title 23, United States Code, and the sum so deducted shall remain available until expended; and

(2) deduct a sum in such amount not to exceed 2.65 percent of all sums so made available, as the Secretary determines necessary to administer the provisions of law to be financed from appropriations for the programs authorized under chapters 1 and 2

of title 23, United States Code, and to make transfers in accordance with section 104(a)(1)(A)(ii) of title 23, United States Code: *Provided*, That any deduction by the Secretary of Transportation in accordance with this subsection shall be deemed to be a deduction under section 104(a)(1)(A) of title 23, United States Code, and the sum so deducted shall remain available until expended.

SEC. 318. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 319. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facili-

ties: *Provided*, That not more than \$3,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the State of Hawaii to initiate and operate a passenger ferryboat services demonstration project to test the viability of different intra-island and inter-island ferry boat routes and technology:

*Provided further*, **T**hat notwithstanding ~~the provisions~~ 49 U.S.C. 5302(a)(7), funds made available for Alaska or Hawaii ferry boats may be used to acquire passenger ferry boats and to provide passenger ferry transportation services within areas of the State of Hawaii under the control or use of the National Park Service.

SEC. 320. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 321. (a) Section 47107 of title 49, United States Code, is amended by inserting after section 47107(p) the following:

“(q) Notwithstanding any written assurances prescribed in subsections (a) through (p), a general aviation

airport with more than 300,000 annual operations may be exempt from having to accept scheduled passenger air carrier service, provided that the following conditions are met:

“(1) No scheduled passenger air carrier has provided service at the airport within five years prior to January 1, 2002;

“(2) The airport is located within the Class B airspace of an airport that maintains an airport operating certificate pursuant to Section 44706 of title 49; and,

“(3) The certificated airport operating under Section 44706 of title 49 has sufficient capacity and does not contribute to significant delays as defined by DOT/FAA in the ‘Airport Capacity Benchmark Report 2001’.

“(r) An airport that meets the conditions of subsections (q)(1) through (3) is not subject to Section 47524 of title 49 with respect to a prohibition on all scheduled passenger service.”.

(b) This section shall be effective upon enactment, notwithstanding any other section of title 49.

SEC. 322. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, adver-

tisement, telegraph, telephone, letter, printed or written material, radio, television, video presentation, electronic communications, or other device, intended or designed to influence in any manner a Member of Congress or of a State legislature to favor or oppose by vote or otherwise, any legislation or appropriation by Congress or a State legislature after the introduction of any bill or resolution in Congress proposing such legislation or appropriation, or after the introduction of any bill or resolution in a State legislature proposing such legislation or appropriation: *Provided*, That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this Act from communicating to Members of Congress or to Congress, on the request of any Member, or to members of a State legislature, or to a State legislature, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of business.

SEC. 323. (a) Funds provided in Public Law 106-69 for the Wilmington, Delaware downtown transit connector and funds provided in Public Law 106-346 for the Wilmington downtown corridor project shall be available for Wilmington, Delaware commuter rail improvements.

(b) Funds provided in Public Law 106-346 for Missoula Ravalli Transportation Management Administration

buses shall be available for Missoula Ravalli Transportation Management Administration buses and bus facilities.

SEC. 324. (a) IN GENERAL.—Hereafter, none of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.



(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.— If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 325. Notwithstanding any other provision of law, Walnut Ridge Regional Airport shall transfer to the Federal Aviation Administration (FAA) their localizer instrument landing system, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 326. Notwithstanding any other provision of law, Williams Gateway Airport shall transfer to the Federal Aviation Administration (FAA) air traffic control tower equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 327. Section 218(a) of Title 23, United States Code, is amended by inserting "reauthorization of the" before "Transportation".

SEC. 328. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 329. None of the funds in this Act may be used to make a grant unless the Secretary of Transportation, notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling \$1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs; or (4) any port security grants totaling \$500,000 or more of the Transportation Security Administration: *Provided*, That no notifi-

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cation shall involve funds that are not available for obligation.

SEC. 330. In addition to amounts otherwise made available in this Act, to enable the Secretary of Transportation to make grants for surface transportation projects, \$90,600,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, the surface transportation projects identified in the Joint Explanatory Statement of the Committee of Conference accompanying this Act are eligible for funding made available by the immediately preceding clause of this provision. ~~*Provided further*, That the Federal share payable on account of any project carried out with funds made available by such clause shall be 100 percent.~~

SEC. 331. None of the funds made available in this Act may be used for engineering work related to an additional runway at Louis Armstrong New Orleans International Airport.

SEC. 332. (a) None of the funds made available in this Act shall be available for the design or construction of a light rail system in Houston, Texas;

(b) Notwithstanding (a), amounts made available in this Act or previous Acts under the heading "Federal Transit Administration, Capital investment grants" for a Houston, Texas, Metro advanced transit plan project shall

be available for obligation or expenditure subject to the following conditions:

(1) Sufficient amounts shall be used for major investment studies in 4 major corridors.

(2) The Texas Department of Transportation shall review and comment on the findings of the studies under paragraph (1). Any comments by such department on such findings shall be included in any final report on such studies.

(3) If a final report on the studies under paragraph (1) is not available for at least the 1-month period preceding the date of any referendum held by the City of Houston, Texas, or by a county of Texas, regarding approval of the issuance of bonds for funding a light rail system in Houston, Texas, all information developed by such studies regarding passenger and cost estimates for such a system shall be made available to the public at least 1 month before the date of the referendum.

SEC. 333. Of the funds provided in section 101(a)(2) of Public Law 107-42, \$90,000,000 are rescinded.

SEC. 334. (a) The Secretary of Transportation shall enter into an agreement with the National Academy of Sciences under which agreement the National Academy of Sciences shall conduct a study of the procedures by which

the Department of Energy, together with the Department of Transportation and the Nuclear Regulatory Commission, selects routes for the shipment of spent nuclear fuel from research nuclear reactors between or among existing Department of Energy facilities currently licensed to accept such spent nuclear fuel.

(b) In conducting the study under subsection (a), the National Academy of Sciences shall analyze the manner in which the Department of Energy—

(1) selects potential routes for the shipment of spent nuclear fuel from research nuclear reactors between or among existing Department facilities currently licensed to accept such spent nuclear fuel;

(2) selects such a route for a specific shipment of such spent nuclear fuel; and

(3) conducts assessments of the risks associated with shipments of such spent nuclear fuel along such a route.

(c) The analysis under subsection (b) shall include a consideration whether, and to what extent, the procedures analyzed for purposes of that subsection take into account the following:

(1) The proximity of the routes under consideration to major population centers and the risks associated with shipments of spent nuclear fuel from re-

search nuclear reactors through densely populated areas.

(2) Current traffic and accident data with respect to the routes under consideration.

(3) The quality of the roads comprising the routes under consideration.

(4) Emergency response capabilities along the routes under consideration.

(5) The proximity of the routes under consideration to places or venues (including sports stadiums, convention centers, concert halls and theaters, and other venues) where large numbers of people gather.

(d) In conducting the study under subsection (a), the National Academy of Sciences shall also make such recommendations regarding the matters studied as the National Academy of Sciences considers appropriate.

(e) The Secretary shall ~~disperse~~ to the National Academy of Sciences the funds for the cost of the study required by subsection (a) not later than 30 days after the date of the enactment of this Act.

*disbursal* (f) Not later than six months after the date of the ~~dispersal~~ of funds under subsection (e), the National Academy of Sciences shall submit to the appropriate committees of Congress a report on the study conducted under

*(disburs)*

subsection (a), including the recommendations required by subsection (d).

(g) In this section, the term “appropriate committees of Congress” means—

(1) the Committees on Commerce, Science, and Transportation, Energy and Natural Resources, and Environment and Public Works of the Senate;

(2) the Committee on Energy and Commerce of the House of Representatives; and

(3) the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 335. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration and the Transportation Security Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, aviation security or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on “below-market” rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic

control facilities and the TSA for necessary security checkpoints.

SEC. 336. For the purpose of any applicable law, for fiscal year 2003, the city of Norman, Oklahoma, shall be considered to be part of the Oklahoma City Transportation Management Area.

SEC. 337. For an airport project that the Administrator of the Federal Aviation Administration (FAA) determines will add critical airport capacity to the national air transportation system, the Administrator is authorized to accept funds from an airport sponsor, including entitlement funds provided under the "Grants-in-Aid for Airports" program, for the FAA to hire additional staff or obtain the services of consultants: *Provided*, That the Administrator is authorized to accept and utilize such funds only for the purpose of facilitating the timely processing, review, and completion of environmental activities associated with such project.

SEC. 338. (a) IN GENERAL.—Notwithstanding any other provision of subchapter I of Chapter 471 of title 49, the Secretary of Transportation may provide grants under such subchapter I of chapter 471 to the airport sponsor of the Double Eagle II Airport in Albuquerque, New Mexico, for—



(1) the construction of an air traffic control tower; and

(2) the acquisition and installation of air traffic control equipment to be used in the air traffic control tower that will assist in sustaining or improving the safe and efficient movement of air traffic.

(b) ELIGIBILITY.—The sponsor shall be eligible for a grant under this section if—

(1) the sponsor would otherwise be eligible to participate in the pilot program established under section 47124(b)(3) of title 49 except for the lack of the air traffic control tower proposed to be constructed under this section; and

(2) the sponsor agrees to fund not less than 10 percent of the costs of construction of the air traffic control tower.

(c) PROJECT COSTS.—Grants under this act shall be paid only from amounts apportioned to the sponsor or for airports in the state under section 47114(d) of title 49, United States Code.

~~(d) FEDERAL SHARE.~~ <sup>(cost)</sup>—The Federal share of the cost of construction of an air traffic control tower under this section may not exceed \$1,800,000.

SEC. 339. Notwithstanding any other provision of law, States may use funds provided in this Act under sec-

tion 402 of title 23, United States Code, to produce and place highway safety public service messages in television, radio, cinema, and print media, and on the Internet in accordance with guidance issued by the Secretary of Transportation: *Provided*, That any state that uses funds for such public service messages shall submit to the Secretary a report describing and assessing the effectiveness of the messages: *Provided further*, That \$10,000,000 of the funds allocated for innovative seat belt projects under section 157 of title 23, United States Code, and \$11,000,000 of funds allocated under section 163 of title 23, United States Code, shall be used as directed by the National Highway Traffic Safety Administrator, to purchase advertising in broadcast media to support the national mobilizations conducted in all fifty states, aimed at increasing seat belt use and reducing impaired driving: *Provided further*, That up to \$1,000,000 of the funds allocated ~~for~~ under section 163 of title 23, United States Code, shall be used by the Administrator to evaluate the effectiveness of alcohol-impaired driving programs that purchase advertising as provided by this section.

SEC. 340. For purposes of entering into joint public-private partnerships and other cooperative arrangements for the performance of work, the Coast Guard Yard and other Coast Guard specialized facilities designated by the

Commandant may enter into agreements or other arrangements, receive and retain funds from and pay funds to such public and private entities, and may accept contributions of funds, materials, services, and the use of facilities from such entities: *Provided*, That amounts received under this section may be credited to appropriate Coast Guard accounts.

SEC. 341. None of the funds in this Act may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 342. None of the funds in this Act may be expended to issue, implement, or enforce a regulation that diminishes or revokes an exemption authorized under section 345 of the National Highway System Designation Act of 1995 (Public Law 104-59; 109 Stat. 613; 49 U.S.C. 31136 note) before the Secretary of Transportation determines by a rulemaking proceeding that the exemptions granted are not in the public interest and adversely affects the safety of commercial motor vehicles with respect to such exemption that is required under subsection (c) of

such section and, as under subsection (d), if a result of monitoring the safety performance of drivers of commercial vehicles that are subject to an exemption under section 345, the Secretary determines that public safety has been severely affected by an exemption granted under this section, the Secretary shall report to Congress that determination: *Provided*, That this limitation shall not preclude the Secretary from revoking an exemption granted to an individual, farm, company, or other entity under section 345 of Public Law 104-59 for national security reasons.

SEC. 343. (a) From the unexpended balances of the Local Rail Freight Assistance program under chapter 221, \$690,287 are rescinded.

(of title 49,  
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(b) For the necessary expenses of the State of Iowa for a rail infrastructure rehabilitation project on the Iowa Northern Railway, \$690,287, to remain available until expended.

SEC. 344. In addition to amounts otherwise made available in this Act, to enable the Secretary of Transportation to make grants for surface transportation projects, \$285,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That notwithstanding any other provision of law, the surface transportation projects identified in the Joint Explanatory State-

ment of the Committee of Conference accompanying this Act are eligible for funding made available by the immediately preceding clause of this provision. ~~Provided further,~~

~~That the Federal share payable on account of any project carried out with funds made available by such clause shall be 100 percent.~~

SEC. 345. Notwithstanding any other provision of law—

(1) in section 1602 of the Transportation Equity Act for the 21st Century—

(A) item number 426 (112 Stat. 272) is amended by striking “Louisiana Highway 16” and inserting the following: “Louisiana Highway 1026”;

(B) item number 696 (112 Stat. 383), relating to Gettysburg, Pennsylvania, is amended by inserting after “Gettysburg comprehensive road improvement study” the following: “and construction of projects identified in the study”;

(C) item number 230 is amended by striking “Construct new exit 46A on I-90 at route 170 in North Chili” and inserting “Monroe County transportation improvements on Long Pond Road, Pattonwood Road, and Leyll road”;

(D) item number 1344 (112 Stat. 306) is amended by striking "Upgrade" and all that follows through "City" and inserting the following "Upgrade Frederic Douglas Circle and Manhattan Avenue from West 110th Street to West 125th Street, New York City";

(E) item number 1108 is amended by striking "Construct" and all that follows through "Brownsville" and inserting "Construct west Rail Project in or near Brownsville, including a new railroad international bridge crossing over the Rio Grande River";

(F) item number 1269 (112 Stat. 303) is amended by striking "Implement" and all that follows through "system" and inserting the following "New York City Department of Parks and Recreation Project";

(G) item number 933 (112 Stat. 291) is amended by striking "Redesign" and all that follows through "City" and inserting the following "Design, construction and related enhancement of the Grand Concourse between E. 161st St. and E. 166th St., New York City";

(H) item number 75 (112 Stat. 259) is amended by striking "Construct" and all that

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follows through "Route" and inserting the following "Bronx, NY River Greenway"; and

(I) item number 1735 (112 Stat. 320) is amended by inserting ", and/or, notwithstanding any other provision of law, design, and construction of Type II noise abatement projects south of the new interchange and Neshaminy Creek, along Interstate 95 between Exit 25 and 26 in Bensalem Township, Bucks County" after "improvements";

(2) section 3030(d)(3) of the Transportation Equity Act for the 21st Century (Public Law 105-178) is amended by redesignating the second subparagraph (D) (as added by section 361 of Public Law 107-87) as subparagraph (E) and by inserting at the end:

"(F) Port of Anchorage Intermodal passenger and freight facility.

"(G) Mobile Waterfront Terminal and Maritime Center of the Gulf."

(3) of the \$668,000 appropriated under the heading "Surface Transportation Projects" in Public Law 103-331 for CA 113 railroad grade separation, California, the unobligated share shall be available

for railroad grade separation for the City of Dixon, Solano County, California;

(4) the \$500,000 appropriated under the heading "Surface Transportation Projects" in Public Law 103-331 for 6th and 7th Sts. improvements Brownsville, TX may be used to construct the West Rail project in or near Brownsville, including a new international railroad bridge crossing over the Rio Grand River;

(5) section 610, section 609(c), and the last sentence of section 604(b)(1) of Public Law 97-468 are repealed; and

(6) for the purpose of further leveraging Federal resources and enhancing private investment supporting the financing of public toll roads in Orange County, California, authorized by section 129(d) of title 23, United States Code, the Secretary of Transportation shall modify the agreements entered into with the San Joaquin Hills Transportation Corridor Agency and the Foothill Eastern Transportation Corridor Agency pursuant to section 339 of Public Law 102-388, section 336 of Public Law 103-331 and section 356 of Public Law 104-50, to extend the term of coverage provided by such lines throughout the term of the revenue bonds



issued to acquire, finance or refinance those facilities, including revenue bonds issued by a new joint powers agency to finance the acquisition of assets from the existing Transportation Corridor Agencies: *Provided*, That notwithstanding any other provision of law, such modifications shall be deemed eligible under section 184 of title 23, United States Code, and shall be funded under section 188 of title 23, United States Code: *Provided further*, That notwithstanding any other provision of law, any amounts of the original Federal lines of credit not drawn upon, up to the combined original principal amount of \$240,000,000, shall continue to be available for draws until such revenue bonds have been retired: *Provided further*, That notwithstanding any other provision of law, not more than 20 percent of the combined original principal amount shall be available for draws in any one year: *Provided further*, That notwithstanding any other provision of law, any draw (except for operation and maintenance expenses) shall be repaid not later than five years following the year in which such revenue bonds have been retired. In implementing this section, the Secretary may modify other terms of the existing Federal lines of credit, including by combining them into

a single line of credit the principal amount of which is limited to \$240,000,000, provided that the marginal budgetary cost of any such additional modifications is funded under section 188 of title 23, United States Code.

SEC. 346. None of the funds in this Act may be obligated or expended by the Federal Motor Carrier Safety Administration for the development or implementation of a pilot program for the purpose of allowing commercial drivers 18 to 20 years of age to operate the trucks and buses of motor carriers in interstate commerce.

SEC. 347. Section 1023(h) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note, Public Law 102-240) is amended—

(1) in the subsection heading, by inserting “OVER-THE-ROAD BUSES AND” before “PUBLIC”; and

(2) in paragraph (1), by striking “to any vehicle which” and inserting the following: “to—

“(A) any over-the-road bus (as defined in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181)); or

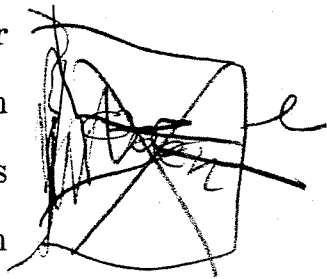
“(B) any vehicle that”.

SEC. 348. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in

section 350 of Public Law 107-87, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

SEC. 349. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 350. On February 15, 2003, and on each year thereafter, the National Railroad Passenger Corporation shall submit to the appropriate Congressional Committees a report detailing the per passenger operating loss on each rail line.



SEC. 351. DEPUTATION OF LAW ENFORCEMENT OFFICERS. (a) DEPUTATION AUTHORITY.—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

**“SEC. 44922. DEPUTATION OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.**

“(a) DEPUTATION AUTHORITY.—The Under Secretary of Transportation for Security may deputize a State or local law enforcement officer to carry out Federal airport security duties under this chapter.

“(b) FULFILLMENT OF REQUIREMENTS.—A State or local law enforcement officer who is deputized under this section shall be treated as a Federal law enforcement officer for purposes of meeting the requirements of this chapter and other provisions of law to provide Federal law enforcement officers to carry out Federal airport security duties.

“(c) AGREEMENTS.—To deputize a State or local law enforcement officer under this section, the Under Secretary shall enter into a voluntary agreement with the appropriate State or local law enforcement agency that employs the State or local law enforcement officer.

“(d) REIMBURSEMENT.—

“(1) IN GENERAL.—The Under Secretary shall reimburse a State or local law enforcement agency for all reasonable, allowable, and allocable costs incurred by the State or local law enforcement agency with respect to a law enforcement officer deputized under this section.

“(2) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

“(e) FEDERAL TORT CLAIMS ACT.—A State or local law enforcement officer who is deputized under this section shall be treated as an ‘employee of the Government’

for purposes of sections 1346(b), 2401(b), and chapter 171 of title 28, United States Code, while carrying out Federal airport security duties within the course and scope of the officer's employment, subject to federal supervision and control, and in accordance with the terms of such deputation.

“(f) STATIONING OF OFFICERS.—The Under Secretary may allow law enforcement personnel to be stationed other than at the airport security screening location if that would be preferable for law enforcement purposes and if such personnel would still be able to provide prompt responsiveness to problems occurring at the screening location.”.

(b) SECURITY SERVICE FEE.—Section 44940(a)(1) of title 49, United States Code, is amended by adding at the end the following: “For purposes of subparagraph (A), the term ‘Federal law enforcement personnel’ includes State and local law enforcement officers who are deputized under section 44922.”.

(c) CONFORMING AMENDMENT.—The table of sections for chapter 449 of title 49, United States Code, is amended by adding at the end of the items relating to subchapter I the following:

“44922. Deputation of State and local law enforcement officers.”.

(d) DEPUTATION OF FEDERAL LAW ENFORCEMENT OFFICERS.—Section 114(q)(1) of title 49, United States

Code, is amended by adding “or other federal agency” after “Transportation Security Administration”.

SEC. 352. FAA NOTICE TO AIRMEN FDC 2/0199. (a)

IN GENERAL.—The Secretary of Transportation—

(1) shall maintain in full force and effect, for a period of one year after the date of enactment of this Act, the restrictions imposed under Federal Aviation Administration Notice to Airmen FDC 2/0199 and the restrictions that had been in effect on September 26, 2002 and that were imposed under local Notices to Airmen based on or derived from Notice to Airmen FDC 1/3353;

(2) shall rescind immediately any waivers or exemptions from those restrictions that are in effect on the date of enactment of this Act; and

(3) may not grant any waivers or exemptions from those restrictions, except—

(A) as authorized by air traffic control for operational or safety purposes;

(B) for operational purposes of an event, stadium, or other venue, including (in the case of a sporting event) equipment or parts, transport of team members, officials of the governing body and immediate family members and guests

of such teams and officials to and from the event, stadium, or other venue;

(C) for broadcast coverage for any broadcast rights holder;

(D) for safety and security purposes of the event, stadium, or other venue; or

(E) to operate an aircraft in restricted airspace to the extent necessary to arrive at or depart from an airport using standard air traffic procedures.

(b) **WAIVERS.**—Beginning no earlier than one year after the date of enactment of this Act, the Secretary may modify or terminate such restrictions, or issue waivers or exemptions from such restrictions, if the Secretary promulgates, after public notice and an opportunity for comment, a rule setting forth the standards under which the Secretary may grant a waiver or exemption. Such standards shall provide a level of security at least equivalent to that provided by the waiver policy applied by the Secretary as of the date of enactment of this Act.

(c) **FUNDING LIMITATION.**—Unless and until the Secretary promulgates a rule in accordance with subsection (b) above, none of the funds made available in this Act or any other Act may be used to terminate or limit the restrictions described in paragraph (a)(1) above or to

grant waivers of, or exemptions from, such restrictions except as provided in paragraph (a)(3) above.

(d) BROADCAST CONTRACTS NOT AFFECTED.— Nothing in this section shall be construed to affect contractual rights pertaining to any broadcasting agreement.

SEC. 353. None of the funds in this Act shall be used to procure Coast Guard ships, including main diesel engines, unless such procurement is in compliance with the Buy American Act, 41 U.S.C. 10(a)–10(d).

SEC. 354. Title 49, United States Code is amended by striking subsection (d) of section 13703 and relettering subsequent subsections accordingly.

SEC. 355. No funds appropriated in this Act may be used to apply or enforce a regulatory requirement for strengthening of flight deck doors on classes of aircraft not specifically required to take such action under Public Law 107–71, section 104(a)(1), unless and until the Under Secretary of Transportation for Security, after opportunity for notice and comment, determines that such strengthening is necessary for aviation security purposes.

SEC. 356. Insert the following new section at the end of chapter 53 of Title 49, United States Code:

“SEC. 5339. Effective for funds not yet expended on the effective date of this section, the federal share for funds under this chapter for a grantee named in section



603(14) of Public Law 97-468 shall be the same as the federal share under 23 U.S.C. section 120(b) for federal aid highway funds apportioned to the state in which it operates.”.

SEC. 357. (a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall enter into an agreement with the State of Nevada, the State of Arizona, or both, to provide a method of funding for construction of a Hoover Dam Bypass Bridge from funds allocated for the Federal Lands Highway Program under section 202(b) of title 23, United States Code.

(b) METHODS OF FUNDING.—

(1) The agreement entered into under subsection (a) shall provide for funding in a manner consistent with the advance construction and debt instrument financing procedures for Federal-Aid <sup>(a)</sup> Highways set forth in sections 115 and 122 of title 23, except that the funding source may include funds made available under the Federal Lands Highway Program.

(2) Eligibility for funding under this subsection shall not be construed as a commitment, guarantee, or obligation on the part of the United States to provide for payment of principal or interest of an eli-

gible debt financing instrument as so defined in section 122, nor create a right of a third party against the United States for payment under an eligible debt financing instrument. The agreement entered into pursuant to subsection (a) shall make specific reference to this provision of law.

(3) The provisions of this section do not limit the use of other available funds for which the project referenced in subsection (a) is eligible.

SEC. 358. Hereafter, none of the funds appropriated or otherwise made available in this Act may be made available to any person or entity convicted of violating the Buy American Act (41 U.S.C. 10a-10c).

SEC. 359. For fiscal year 2003, notwithstanding any other provision of law, historic covered bridges eligible for Federal assistance under section 1224 of the Transportation Equity Act for the 21st Century, as amended, may be funded from amounts set aside for the discretionary bridge program.

SEC. 360. None of the funds provided in this Act or prior Appropriations Acts for Coast Guard "Acquisition, construction, and improvements" shall be available after the fifteenth day of any quarter of any fiscal year, unless the Commandant of the Coast Guard first submits to the House and Senate Committees on Appropriations a quar-

terly report on the agency's mission hour emphasis and a quarterly report on all major Coast Guard acquisition projects including projects executed for the Coast Guard by the United States Navy and vessel traffic service projects: *Provided*, That such acquisition reports shall include an acquisition schedule, estimated current and year funding requirements, and a schedule of anticipated obligations and outlays for each major acquisition project: *Provided further*, That such acquisition reports shall rate on a relative scale the cost risk, schedule risk, and technical risk associated with each acquisition project and include a table detailing unobligated balances to date and anticipated unobligated balances at the close of the fiscal year and the close of the following fiscal year should the Administration's pending budget request for the acquisition, construction, and improvements account be fully funded: *Provided further*, That such acquisition reports shall also provide abbreviated information on the status of shore facility construction and renovation projects: *Provided further*, That all information submitted in such mission hour emphasis and acquisition reports shall be current as of the last day of the preceding quarter.

SEC. 361. Of the funds made available for fiscal year 2003 in section 188(a)(1) of title 23, United States Code, along with any available unobligated balances of funds

made available in prior years, \$115,000,000 shall instead be available for the programs authorized in section 1101(a)(9) of Public Law 105-178, as amended, and \$65,000,000 shall instead be made available for section 1221 of Public Law 105-178, as amended.

SEC. 362. Funds provided in this Act for the Working Capital Fund shall be reduced by \$12,600,000, which limits fiscal year 2003 Working Capital Fund obligational authority for elements of the Department of Transportation funded in this Act to no more than \$119,166,000: *Provided*, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Working Capital Fund.

SEC. 363. (a) Notwithstanding any other provision of law, and subject to the requirements of this section, the Secretary of Transportation is authorized to waive any of the terms, conditions, reservations, and restrictions contained in the deeds of conveyance and subsequent corrections to the deeds of conveyance under which the United States conveyed certain property to Gadsden, Alabama, for airport purposes.

(b) No waiver may be granted under subsection (a) if the waiver would result in the closure of an airport.

(c) Gadsden, Alabama, shall agree that in selling, leasing, or conveying any interest in, the property for which waivers are granted under subsection (a), the amount received by the city shall be used by the city for the development, improvement, operation, or maintenance of the Gadsden Municipal Airport.

SEC. 364. Of the funds made available under section 1101(a)(12) and section 1503 of Public Law 105-178, as amended, \$8,000,000 are rescinded.

SEC. 365. TRANSFER OF FUNDS BETWEEN HIGHWAY PROJECTS, LAKE CHARLES, LOUISIANA. Notwithstanding any other provision of law, funds made available for construction of roads and a bridge to provide access to the Rose Bluff industrial area, Lake Charles, Louisiana, under section 149(a)(87) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 194; 109 Stat. 607) and item 17 of the table contained in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2038) shall be made available for the project in Lake Charles, Louisiana, consisting of—

(1) construction of Nelson Access Road to the Port of Lake Charles as described in item 1596 of the table contained in section 1602 of the Transpor-

tation Equity Act for the 21st Century (112 Stat. 315);

(2) planning, design, and reconstruction of Cove Lane exit from Interstate 210; and

(3) planning, design, and construction of West Prien Lake Road.

SEC. 366. Notwithstanding any other provision of law, of the funds available under section 104(a)(1)(A) of title 23, United States Code, for surface transportation projects, ~~\$14,000,000~~ shall be available to the Secretary to make grants to the Kentucky Turnpike Authority to pay the debt on bonds issued by the Kentucky Turnpike Authority before January 1, 2003, for the Daniel Boone Parkway, Kentucky, and the Cumberland Parkway, Kentucky.

( 13,000,000

SEC. 367. LETTERS OF INTENT FOR AIRPORT SECURITY IMPROVEMENT PROJECTS. (a) The Under Secretary

may issue a letter of intent to an airport committing to obligate from future budget authority an amount, not more than the Federal Government's share of the project's cost, for an airport security improvement project (including interest costs and costs of formulating the project) at the airport. The letter shall establish a schedule under which the Under Secretary will reimburse the airport for the Government's share of the project's costs, as amounts

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become available, if the airport, after the Under Secretary issues the letter, carries out the project without receiving amounts under Chapter 471 of title 49.

(b) The airport shall notify the Under Secretary of the airport's intent to carry out the airport security improvement project before the project begins.

(c) A letter of intent may be issued under this section only if—

(1) The airport security improvement project to which the letter applies involves the replacement of baggage conveyer systems or the reconfiguration of terminal baggage areas in order to install explosive detection systems; and

(2) The Under Secretary determines that the project will improve security or will improve the efficiency of the airport without lessening security.

(d) A letter of intent issued under this section is not an obligation of the Government under section 1501 of title 31, and the letter is not deemed to be an administrative commitment for financing. An obligation or administrative commitment may be made only as amounts are provided in authorization and appropriation laws. (5

(e) The Government's share of the project's cost shall be 75 percent for a project at an airport having at least 0.25 percent of the total number of passenger boardings

each year at all airports and 90 percent for a project at any other airport.

(f) Nothing in this section shall be construed to prohibit the obligation of amounts pursuant to a letter of intent under this section in the same fiscal year as the letter of intent is issued.

(g) The Under Secretary shall notify the House and Senate Committees on Appropriations, the House Transportation and Infrastructure Committee, and the Senate Commerce, Science, and Transportation Committee at least 3 days prior to the issuance of a letter of intent under this section.

(h) There is authorized to be appropriated to carry out this section \$500,000,000 in each of fiscal years 2003, 2004, 2005, 2006, and 2007.

SEC. 368. Section 342 of the Department of Transportation and Related Agencies Appropriations Act, 2002, is amended by striking "Passenger only ferry to serve Kitsap and King Counties to Seattle" and inserting "Ferry/tunnel project in Bremerton, Washington".

SEC. 369. Section 343 of the Department of Transportation and Related Agencies Appropriations Act, 2002, is amended by striking "Passenger only ferry to serve Kitsap and King Counties to Seattle" and inserting "Ferry/tunnel project in Bremerton, Washington".



SEC. 370. (a) INCLUSION OF TOWERS IN AIRPORT DEVELOPMENT.—Section 47102(3) of title 49, United States Code, is amended by adding at the end the following:

“(M) constructing an air traffic control tower or acquiring and installing air traffic control, communications, and related equipment at an air traffic control tower under the terms specified in section 47124(b)(4).”.

(b) CONSTRUCTION OF AIR TRAFFIC CONTROL TOWERS.—

(1) IN GENERAL.—Section 47124(b)(4) of title 49, United States Code, is amended to read as follows:

“(4) CONSTRUCTION OF AIR TRAFFIC CONTROL TOWERS.—

“(A) GRANTS.—The Secretary may provide grants to a sponsor of—

“(i) a primary airport—

“(I) from amounts made available under sections 47114(c)(1) and 47114(c)(2) for the construction or improvement of a nonapproach control tower, as defined by the Secretary, and for the acquisition and installa-

tion of air traffic control, communications, and related equipment to be used in that tower;

“(II) from amounts made available under sections 47114(c)(1) and 47114(c)(2) for reimbursement for the cost of construction or improvement of a nonapproach control tower, as defined by the Secretary, incurred after October 1, 1996, if the sponsor complied with the requirements of sections 47107(e), 47112(b), and 47112(c) in constructing or improving that tower; and

“(III) from amounts made available under sections 47114(c)(1) and 47114(c)(2) for reimbursement for the cost of acquiring and installing in that tower air traffic control, communications, and related equipment that was acquired or installed after October 1, 1996; and

“(ii) a public-use airport that is not a primary airport—

“(I) from amounts made available under sections 47114(c)(2) and 47114(d) for the construction or improvement of a nonapproach control tower, as defined by the Secretary, and for the acquisition and installation of air traffic control, communications, and related equipment to be used in that tower;

“(II) from amounts made available under sections 47114(c)(2) and 47114(d)(3)(A) for reimbursement for the cost of construction or improvement of a nonapproach control tower, as defined by the Secretary, incurred after October 1, 1996, if the sponsor complied with the requirements of sections 47107(e), 47112(b), and 47112(c) in constructing or improving that tower; and

“(III) from amounts made available under sections 47114(c)(2) and 47114(d)(3)(A) for reimbursement for the cost of acquiring and installing in that tower air traffic control, commu-

nications, and related equipment that was acquired or installed after October 1, 1996.

“(B) ELIGIBILITY.—An airport sponsor shall be eligible for a grant under this paragraph only if—

“(i)(I) the sponsor is a participant in the Federal Aviation Administration contract tower program established under subsection (a) and continued under paragraph (1) or the pilot program established under paragraph (3); or

“(II) construction of a nonapproach control tower would qualify the sponsor to be eligible to participate in such program;

“(ii) the sponsor certifies that it will pay not less than 10 percent of the cost of the activities for which the sponsor is receiving assistance under this paragraph;

“(iii) the Secretary affirmatively accepts the proposed contract tower into a contract tower program under this section and certifies that the Secretary will seek future appropriations to pay the Federal Aviation Administration’s cost of the con-

tract to operate the tower to be constructed under this paragraph;

“(iv) the sponsor certifies that it will pay its share of the cost of the contract to operate the tower to be constructed under this paragraph; and

“(v) in the case of a tower to be constructed under this paragraph from amounts made available under section 47114(d)(2) or 47114(d)(3)(B), the Secretary certifies that—

“(I) the Federal Aviation Administration has consulted the State within the borders of which the tower is to be constructed and the State supports the construction of the tower as part of its State airport capital plan; and

“(II) the selection of the tower for funding is based on objective criteria, ~~giving no weight to any congressional committee report, joint explanatory statement of a conference committee, or statutory designation.~~

“(C) LIMITATION ON FEDERAL SHARE.—

The Federal share of the cost of construction of

a nonapproach control tower under this paragraph may not exceed \$1,100,000.”.

(2) CONFORMING AMENDMENTS.—Section 47124(b) of such title is amended—

(A) in paragraph (3)(A) by striking “Level I air traffic control towers, as defined by the Secretary,” and inserting “nonapproach control towers, as defined by the Secretary,”; and

(B) in paragraph (3)(E) by striking “Subject to paragraph (4)(D), of” and inserting “Of”.

(3) SAVINGS CLAUSE.—Notwithstanding the amendments made by this section, the ~~2~~ towers for which assistance is being provided on the day before the date of enactment of this Act under section 47124(b)(4) of title 49, United States Code, as in effect on such day, may continue to be provided such assistance under the terms of such section.

(c) NONAPPROACH CONTROL TOWERS.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into a lease agreement or contract agreement with a private entity to provide for construction and operation of a nonapproach control tower as defined by the Secretary of Transportation.

(2) TERMS AND CONDITIONS.—An agreement entered into under this section—

(A) shall be negotiated under such procedures as the Administrator considers necessary to ensure the integrity of the selection process, the safety of air travel, and to protect the interests of the United States;

(B) may provide a lease option to the United States, to be exercised at the discretion of the Administrator, to occupy any general-purpose space in a facility covered by the agreement;

(C) shall not require, unless specifically determined otherwise by the Administrator, Federal ownership of a facility covered under the agreement after the expiration of the agreement;

(D) shall describe the consideration, duties, and responsibilities for which the United States and the private entity are responsible;

(E) shall provide that the United States will not be liable for any action, debt, or liability of any entity created by the agreement;

(F) shall provide that the private entity may not execute any instrument or document

creating or evidencing any indebtedness with respect to a facility covered by the agreement unless such instrument or document specifically disclaims any liability of the United States under the instrument or document; and

(G) shall include such other terms and conditions as the Administrator considers appropriate.

(d) USE OF APPORTIONMENTS TO PAY NON-FEDERAL SHARE OF OPERATION COSTS.—

(1) STUDY.—The Secretary of Transportation shall conduct a study of the feasibility, costs, and benefits of allowing the sponsor of an airport to use not to exceed 10 percent of amounts apportioned to the sponsor under section 47114 to pay the non-Federal share of the cost of operation of an air traffic control tower under section 47124(b) of title 49, United States Code.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

SEC. 371. In addition to amounts otherwise made available by this Act, there is hereby appropriated \$3,500,000, to remain available until expended, to enable



the Secretary to maintain operations of the Midway Island airfield.

SEC. 372. Section 145(c) of Public Law 107-71 is amended by striking the number (18) and inserting the number (27).

SEC. 373. SUSQUEHANNA GREENWAY, MARYLAND. The table contained in section 1602 of the Transportation Equity Act for the 21st Century is amended in item 1603 (112 Stat. 316) by striking "Construct pedestrian bicycle bridge across Susquehanna River between Havre de Grace and Perryville" and inserting "Develop Lower Susquehanna Heritage Greenway, including acquisition of property, construction of hiker-biker trails, and construction or use of docks, ferry boats, bridges, or vans to convey bikers and pedestrians across the Susquehanna River between Cecil County and Harford County".

SEC. 374. Item number 1320 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 305) is amended by striking "Reconstruct 79th Street Traffic Circle, New York City" and inserting "Cross Harbor Freight Movement Project EIS, New York City".

SEC. 375. Of the \$3,400,000 appropriated under the heading "Highway Demonstration Projects" in Public Law 101-516 for Pennsylvania State Route 711 Bypass

(Ligonier), the unobligated share shall be available for transportation projects in the counties of Allegheny, Armstrong, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland ~~counties~~, Pennsylvania.

SEC. 376. Of the \$900,000 appropriated under the heading "Federal Highway Demonstration Projects" in Public Law 102-143 for Pennsylvania State Route 711 Bypass (Ligonier), the unobligated share shall be available for transportation projects in the counties of Allegheny, Armstrong, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland ~~counties~~, Pennsylvania.

SEC. 377. Of the funds made available in Public Law 107-87 under the Federal-Aid Highways account to carry out 23 U.S.C. 129(c) and section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991, as amended, \$2,000,000 shall be transferred to the Federal Transit Administration's Formula Grant account and made available to the Jersey City Pier redevelopment and terminal construction project: *Provided*, That, notwithstanding any other provision of law, including 23 U.S.C. 104(k), such funds shall be administered under terms and conditions deemed appropriate by the Secretary.

~~SEC. 378. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except~~

~~pursuant to a transfer made by, or transfer authority pro-~~  
~~vided in, this Act or any other appropriations Act.~~

This division may be cited as the "Department of  
Transportation and Related Agencies Appropriations Act,  
2003".